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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION N
10/633,337	08/01/2003	Petar Tisma	089835-0110	4182
27433	7590	11/01/2004	EXAMINER	
FOLEY & LARDNER 321 NORTH CLARK STREET SUITE 2800 CHICAGO, IL 60610-4764				TAWFIK, SAMEH
ART UNIT		PAPER NUMBER		
		3721		

DATE MAILED: 11/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/633,337	TISMA ET AL.
	<b>Examiner</b> Sameh H. Tawfik	<b>Art Unit</b> 3721

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 30 August 2004.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 12-18 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 12-14 and 16-18 is/are rejected.  
 7) Claim(s) 15 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>09262003</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

## **DETAILED ACTION**

### ***Election/Restrictions***

Applicant's election without traverse of Group II (claims 12-18) and cancellation of the none elected claims in the reply filed on 08/30/2004 is acknowledged.

### ***Claim Objections***

Claim 13 is objected to because of the following informalities:

In (claim 13, line 3) delete "rotapanell" and instead insert --rotatably--.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless —

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 12-14 and 16-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Tisma (6,195,959).

Tisma discloses an automatic packaging machine for forming a latching flip-top box from a blank comprising a conveyor system (Figs. 9 and 9A); a plurality of mandrels coupled to the conveyor system (Fig. 9; via mandrels 100), each of the plurality of mandrels comprising a mounting block (Fig. 4; via 102) for coupling the mandrel (100) to the automatic packaging machine, a package-holding assembly (Fig. 4; via 104) operatively connected to the mounting block (Fig. 7B), the package-holding assembly rotatable about a first axis from a first position to a second position (Figs. 7B, 9, and 9A; via with respect to the conveyor rotation and in respect to

chain 108); and a flap holder assembly operatively connected to the mounting block (Fig. 4; via 106), the flap holder assembly rotatable about a second axis substantially perpendicular to the first axis (Fig. 7A; via by pivot by 110), a plurality of plows, each of the plurality of plows manipulating a portion of the blank in order to form portions of the box (column 1, lines 29 and 30); and a plurality of tucker assemblies, each of the plurality of plows manipulating a portion of the blank in order to form portions of the box (Fig. 9; via tucker disk 216).

Regarding claim 13: wherein each of the plurality of mandrels includes a lateral support member (Fig. 7B; via bracket 109) coupled to the mounting block (102), wherein the package-holding assembly (104) is rotatably connected to the lateral support member (via with respect to the rotation of chain 108).

Regarding claim 14: wherein each of the plurality of mandrels includes means for maintaining the package-holding assembly in the first position relative to the lateral support member (Figs. 7A and 9; via through 102).

Regarding claim 16: wherein the package- holding assembly comprises a plurality of gripping arms, the plurality of gripping arms selectively permitting a package blank to be captured by the package-holding assembly (Fig. 4; via arms 204 and 206).

Regarding claim 17: wherein the package- holding assembly further comprises a guide mechanism positioned within the plurality of gripping arms, the guide mechanism holding the package blank during the assembly thereof (Fig. 4; via the bar between gripping arms).

Regarding claim 18: wherein the flap holder assembly includes a plurality of side arms for manipulating portions of the blank (Figs. 4 and 7B; via arms extending out of 106).

***Allowable Subject Matter***

Claim 15 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sameh H. Tawfik whose telephone number is (703) 308-2809. The examiner can normally be reached on Tuesday - Friday from 8:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on (703) 308-2187. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sameh H. Tawfik  
Patent Examiner  
Art Unit 3721

ST.

